

**ENTERED**

May 17, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

RONALD SHANKLIN

Petitioner,

v.

BOBBY LUMPKIN,

Respondent.

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Civil Action No. 2:22-CV-00236

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the April 25, 2023, Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Julie K. Hampton. (Dkt. No. 15). Judge Hampton made findings and conclusions and recommended that Respondent’s Motion to Dismiss with Brief in Support, (Dkt. No. 14), be granted, and a certificate of appealability be denied. (Dkt. No. 15).

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). On April 28, 2023, Respondent filed one objection. (Dkt. No. 17). Respondent agrees with Judge Hampton’s recommendation but maintains that Petitioner’s conviction became final on October 12, 2020. (*Id.* at 2). Petitioner did not file any objections.

In accordance with 28 U.S.C. § 636(b)(1)(C), the Court is required to “make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection [has been] made.” After conducting this de novo review, the Court may “accept, reject, or modify, in whole or in

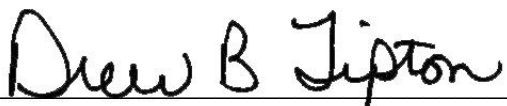
part, the findings or recommendations made by the magistrate judge.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

The Court has carefully considered de novo those portions of the M&R to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendations for plain error. Finding no error, the Court accepts the M&R and adopts it as the opinion of the Court. It is therefore ordered that:

- (1) Judge Hampton’s M&R, (Dkt. No. 15), is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court;
- (2) Respondent’s Motion to Dismiss with Brief in Support, (Dkt. No. 14), is **GRANTED**; and
- (3) A certificate of appealability is **DENIED**.

It is SO ORDERED.

Signed on May 17, 2023.

  
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DREW B. TIPTON  
UNITED STATES DISTRICT JUDGE